

## REMARKS

Claims 1, 2, 4, 6, 9 and 10 have been cancelled. Claims 3, 5, 7 and 8 have been currently amended to be dependant on new claim 11, which has been added.

New Claim 11 now recites the flattened tube 12 as being open on both sides. The tube now has a top surface and a bottom surface for purposes of clarity. The ridges 24, as seen in Fig. 2 of the drawings, are saw-like and are uni-directional, and the flange is perpendicular to the flattened tube.

The patent to Gardy recited against applicant's original claims discloses a vacuum chamber for enclosing the tongue. Anatomically only the tip of the tongue would be in the vacuum chamber. Internal vacuum sealing edges 44 and 46 of Gardy maintain the tongue in the vacuum chamber.

On the other hand, applicant's device or appliance has a construction and function that is different and a vast improvement over the device shown and claimed in Gardy. The ridges 30 and 32 on the upper surface of Gardy are for a completely different purpose than the saw-tooth, unidirectional ridges of applicant. In column 3, lines 10-12 of Gardy it is stated that these ridges re-act against the dental arch of the upper jaw 16. This positioning is further stated in lines 39-44 in column 3 of the Gardy Patent.

It is clear that the ridges 30 and 32 of the Gardy Patent are for a different purpose than applicant's traction ridges. Gardy ridges 30 and 32 hold the prosthesis in place in the oral cavity and function to improve the vacuum seal. The traction ridges 24 of applicant are on the bottom surface of the flattened tube and not on the top and are so shaped and angled that they grab a greater surface of the tongue thereby pulling the tongue forward and maintaining it in the forward position. Applicant's arrangement thus keeps the tongue from falling back into a position where it will obstruct the users airway.


It should be apparent that the ridges 30 and 32 which are positioned on the top surface of the device do not, in any way engage the tongue 20 of Gardy since the tongue is encased in the vacuum chamber 12, which is a blind pouch and not open-ended, as seen in applicant's construction.

Applicant's apertures in the sides of his device as well as the multiplicity of apertures 32 in the

flange 18 along with the contour of the ridges 24 allow the free passage of air through the oral cavity and the nasal passage because of the pulling of the tongue forward by applicant's spaced, saw-like ridges.

It is believed that the claims remaining in the application are in condition for allowance in view of the amendment having full support in the specification and drawings. The objections set forth in Paragraphs 1-5 have been addressed and overcome in the specification and the claims presently in the application. In view of the foregoing, it is believed that the claims presently in the application are allowable and an early favorable action thereon is solicited.

RESPECTFULLY SUBMITTED,

  
Alfred E. Miller  
USPTO Reg. No. 16,548  
Attorney for Applicant  
406 West Putnam Avenue  
Greenwich, CT 06830  
(203) 661-1900

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